

Introduced by Senator Jackson

February 27, 2015

An act to amend Section 1731 of the Code of Civil Procedure, to amend Sections 5260, 5601, 6322.5, 17212, 17406, and 17505 of, to add Part 6 (commencing with Section 5700.101) of Division 9 of, and to repeal Chapter 6 (commencing with Section 4900) of Part 5 of Division 9 of, the Family Code, to amend Section 11478.1 of the Welfare and Institutions Code, and to repeal Chapter 349 of the Statutes of 2002, relating to family support.

LEGISLATIVE COUNSEL'S DIGEST

SB 646, as introduced, Jackson. Uniform Interstate Family Support part.

The Uniform Interstate Family Support part (UIFSA) governs the establishment, enforcement, and modification of interstate child and spousal support orders by providing jurisdictional standards and rules for determining which state's order is a controlling order and whether a tribunal of this state may exercise continuing, exclusive jurisdiction over a support proceeding.

Existing law requires the Department of Child Support Services to administer services relating to the collection and distribution of child support throughout the state. Existing law also requires each county to maintain a local child support agency that is responsible for establishing, modifying, and enforcing child support obligations.

This bill would revise and recast UIFSA to provide guidelines for the registration, recognition, enforcement, and modification of foreign support orders from countries that are parties to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The bill would identify the Department of Child

Support Services as the agency designated by the United States central authority, as defined, to perform specific functions under the convention. Because the bill would impose new duties on local child support agencies, the bill would impose a state-mandated local program. Among other things, the bill would clarify how a tribunal retains continuing, exclusive jurisdiction and would revise the procedures for determining which order is the controlling order in an interstate or international support proceeding.

Existing law sets forth provisions to implement amendments to UIFSA that were promulgated by the National Conference of Commissioners on Uniform State Laws in 2001, but makes those provisions inoperative until Congress amends federal law to authorize or require the adoption of the 2001 version of UIFSA or the federal office of Child Support Enforcement or the Secretary of Health and Human Services approves a waiver, exemption, finding, or other indicia of regulatory approval of the 2001 version of UIFSA, whichever occurs first.

This bill would delete those provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1731 of the Code of Civil Procedure is
- 2 amended to read:
- 3 1731. (a) This title governs the procedures by which the
- 4 superior courts of the State of California recognize and enter tribal
- 5 court money judgments of any federally recognized Indian tribe.
- 6 Determinations regarding recognition and entry of a tribal court
- 7 money judgment pursuant to state law shall have no effect upon
- 8 the independent authority of that judgment. To the extent not
- 9 inconsistent with this title, the Code of Civil Procedure shall apply.
- 10 (b) This title does not apply to any of the following tribal court
- 11 money judgments:

1 (1) For taxes, fines, or other penalties.

2 (2) For which federal law requires that states grant full faith and
3 credit recognition, including child support orders under the Full
4 Faith and Credit for Child Support Orders part (28 U.S.C. Sec.
5 1738B).

6 (3) For which state law provides for recognition, including child
7 support orders recognized under the Uniform Child Custody
8 Jurisdiction and Enforcement part (Part 3 (commencing with
9 Section 3400) of Division 8 of the Family Code), other forms of
10 family support orders under the Uniform Interstate Family Support
11 part (~~Chapter 6 (commencing with Section 4900) of Part 5 of (Part~~
12 ~~6 (commencing with Section 5700.101) of Division 9 of the Family~~
13 ~~Code).~~

14 (4) For decedents' estates, guardianships, conservatorships,
15 internal affairs of trusts, powers of attorney, or other tribal court
16 money judgments that arise in proceedings that are or would be
17 governed by the Probate Code.

18 (c) Nothing in this title shall be deemed or construed to expand
19 or limit the jurisdiction of either the state or any Indian tribe.

20 SEC. 2. Chapter 6 (commencing with Section 4900) of Part 5
21 of Division 9 of the Family Code is repealed.

22 SEC. 3. Section 5260 of the Family Code is amended to read:

23 5260. (a) The court may order that service of the assignment
24 order be stayed only if the court makes a finding of good cause or
25 if an alternative arrangement exists for payment in accordance
26 with paragraph (2) of subdivision (b). Notwithstanding any other
27 provision of law, service of wage assignments issued for foreign
28 orders for support, and service of foreign orders for the assignment
29 of wages registered pursuant to ~~Article 6 (commencing with~~
30 ~~Section 4950) of Chapter 6 (commencing with Section 5700.601)~~
31 ~~of Part 6~~ shall not be stayed pursuant to this subdivision.

32 (b) For purposes of this section, good cause or an alternative
33 arrangement for staying an assignment order is as follows:

34 (1) Good cause for staying a wage assignment exists only when
35 all of the following conditions exist:

36 (A) The court provides a written explanation of why the stay
37 of the wage assignment would be in the best interests of the child.

38 (B) The obligor has a history of uninterrupted, full, and timely
39 payment, other than through a wage assignment or other mandatory

1 process of previously ordered support, during the previous 12
2 months.

3 (C) The obligor does not owe an arrearage for prior support.

4 (D) The obligor proves, and the court finds, by clear and
5 convincing evidence that service of the wage assignment would
6 cause extraordinary hardship upon the obligor. Whenever possible,
7 the court shall specify a date that any stay ordered under this
8 section will automatically terminate.

9 (2) An alternative arrangement for staying a wage assignment
10 order shall require a written agreement between the parties that
11 provides for payment of the support obligation as ordered other
12 than through the immediate service of a wage assignment. Any
13 agreement between the parties which includes the staying of a
14 service of a wage assignment shall include the concurrence of the
15 local child support agency in any case in which support is ordered
16 to be paid through a county officer designated for that purpose.
17 The execution of an agreement pursuant to this paragraph shall
18 not preclude a party from thereafter seeking a wage assignment in
19 accordance with the procedures specified in Section 5261 upon
20 violation of the agreement.

21 SEC. 4. Section 5601 of the Family Code is amended to read:

22 5601. (a) When the local child support agency is responsible
23 for the enforcement of a support order pursuant to Section 17400,
24 the local child support agency may register a support order made
25 in another county by utilizing the procedures set forth in Section
26 5602 or by filing all of the following in the superior court of his
27 or her county:

28 (1) An endorsed file copy of the most recent support order or a
29 copy thereof.

30 (2) A statement of arrearages, including an accounting of
31 amounts ordered and paid each month, together with any added
32 costs, fees, and interest.

33 (3) A statement prepared by the local child support agency
34 showing the post office address of the local child support agency,
35 the last known place of residence or post office address of the
36 obligor; the most recent address of the obligor set forth in the
37 licensing records of the Department of Motor Vehicles, if known;
38 and a list of other states and counties in California that are known
39 to the local child support agency in which the original order of
40 support and any modifications are registered.

1 (b) The filing of the documents described in subdivision (a)
2 constitutes registration under this chapter.

3 (c) Promptly upon registration, the local child support agency
4 shall, in compliance with the requirements of Section 1013 of the
5 Code of Civil Procedure, or in any other manner as provided by
6 law, serve the obligor with copies of the documents described in
7 subdivision (a).

8 (d) If a motion to vacate registration is filed under Section 5603,
9 any party may introduce into evidence copies of any pleadings,
10 documents, or orders that have been filed in the original court or
11 other courts where the support order has been registered or
12 modified. Certified copies of the documents shall not be required
13 unless a party objects to the authenticity or accuracy of the
14 document in which case it shall be the responsibility of the party
15 who is asserting the authenticity of the document to obtain a
16 certified copy of the questioned document.

17 (e) Upon registration, the clerk of the court shall forward a
18 notice of registration to the courts in other counties and states in
19 which the original order for support and any modifications were
20 issued or registered. No further proceedings regarding the obligor's
21 support obligations shall be filed in other counties.

22 (f) The procedure prescribed by this section may also be used
23 to register support or wage and earnings assignment orders of other
24 California jurisdictions that previously have been registered for
25 purposes of enforcement only pursuant to the Uniform Interstate
26 Family Support part (~~Chapter 6 (commencing with Section 4900)~~
27 *(Part 6 (commencing with Section 5700.101))*) in another California
28 county. The local child support agency may register such an order
29 by filing an endorsed file copy of the registered California order
30 plus any subsequent orders, including procedural amendments.

31 (g) The Judicial Council shall develop the forms necessary to
32 effectuate this section. These forms shall be available no later than
33 July 1, 1998.

34 SEC. 5. Part 6 (commencing with Section 5700.101) is added
35 to Division 9 of the Family Code, to read:

1 PART 6. UNIFORM INTERSTATE FAMILY SUPPORT PART

2
3 CHAPTER 1. GENERAL PROVISIONS
4

5 5700.101. (a) This part may be cited as the Uniform Interstate
6 Family Support Act.

7 (b) There is a federal mandate set forth in Section 666(f) of Title
8 42 of the United States Code requiring California to adopt and
9 have in effect the Uniform Interstate Family Support Act, including
10 any amendments officially adopted by the National Council of
11 Commissioners on Uniform State Laws as of September 30, 2008.

12 5700.102. In this part:

13 (1) “Child” means an individual, whether over or under the age
14 of majority, who is or is alleged to be owed a duty of support by
15 the individual’s parent or who is or is alleged to be the beneficiary
16 of a support order directed to the parent.

17 (2) “Child-support order” means a support order for a child,
18 including a child who has attained the age of majority under the
19 law of the issuing state or foreign country.

20 (3) “Convention” means the Convention on the International
21 Recovery of Child Support and Other Forms of Family
22 Maintenance, concluded at The Hague on November 23, 2007.

23 (4) “Duty of support” means an obligation imposed or imposable
24 by law to provide support for a child, spouse, or former spouse,
25 including an unsatisfied obligation to provide support.

26 (5) “Foreign country” means a country, including a political
27 subdivision thereof, other than the United States, that authorizes
28 the issuance of support orders and:

29 (A) Which has been declared under the law of the United States
30 to be a foreign reciprocating country;

31 (B) Which has established a reciprocal arrangement for child
32 support with this state as provided in Section 5700.308;

33 (C) Which has enacted a law or established procedures for the
34 issuance and enforcement of support orders which are substantially
35 similar to the procedures under this part; or

36 (D) In which the Convention is in force with respect to the
37 United States.

38 (6) “Foreign support order” means a support order of a foreign
39 tribunal.

1 (7) “Foreign tribunal” means a court, administrative agency, or
2 quasi-judicial entity of a foreign country which is authorized to
3 establish, enforce, or modify support orders or to determine
4 parentage of a child. The term includes a competent authority under
5 the Convention.

6 (8) “Home state” means the state or foreign country in which a
7 child lived with a parent or a person acting as parent for at least
8 six consecutive months immediately preceding the time of filing
9 of a petition or comparable pleading for support and, if a child is
10 less than six months old, the state or foreign country in which the
11 child lived from birth with any of them. A period of temporary
12 absence of any of them is counted as part of the six-month or other
13 period.

14 (9) “Income” includes earnings or other periodic entitlements
15 to money from any source and any other property subject to
16 withholding for support under the law of this state.

17 (10) “Income-withholding order” means an order or other legal
18 process directed to an obligor’s employer, or other debtor, as
19 defined by Section 5208, to withhold support from the income of
20 the obligor.

21 (11) “Initiating tribunal” means the tribunal of a state or foreign
22 country from which a petition or comparable pleading is forwarded
23 or in which a petition or comparable pleading is filed for
24 forwarding to another state or foreign country.

25 (12) “Issuing foreign country” means the foreign country in
26 which a tribunal issues a support order or a judgment determining
27 parentage of a child.

28 (13) “Issuing state” means the state in which a tribunal issues
29 a support order or a judgment determining parentage of a child.

30 (14) “Issuing tribunal” means the tribunal of a state or foreign
31 country that issues a support order or a judgment determining
32 parentage of a child.

33 (15) “Law” includes decisional and statutory law and rules and
34 regulations having the force of law.

35 (16) “Obligee” means:

36 (A) an individual to whom a duty of support is or is alleged to
37 be owed or in whose favor a support order or a judgment
38 determining parentage of a child has been issued;

39 (B) a foreign country, state, or political subdivision of a state
40 to which the rights under a duty of support or support order have

1 been assigned or which has independent claims based on financial
2 assistance provided to an individual obligee in place of child
3 support;
4 (C) an individual seeking a judgment determining parentage of
5 the individual's child; or
6 (D) a person that is a creditor in a proceeding under Chapter 7.
7 (17) "Obligor" means an individual, or the estate of a decedent
8 that:
9 (A) owes or is alleged to owe a duty of support;
10 (B) is alleged but has not been adjudicated to be a parent of a
11 child;
12 (C) is liable under a support order; or
13 (D) is a debtor in a proceeding under Chapter 7.
14 (18) "Outside this state" means a location in another state or a
15 country other than the United States, whether or not the country
16 is a foreign country.
17 (19) "Person" means an individual, corporation, business trust,
18 estate, trust, partnership, limited liability company, association,
19 joint venture, public corporation, government or governmental
20 subdivision, agency, or instrumentality, or any other legal or
21 commercial entity.
22 (20) "Record" means information that is inscribed on a tangible
23 medium or that is stored in an electronic or other medium and is
24 retrievable in perceivable form.
25 (21) "Register" means to file in a tribunal of this state a support
26 order or judgment determining parentage of a child issued in
27 another state or a foreign country.
28 (22) "Registering tribunal" means a tribunal in which a support
29 order or judgment determining parentage of a child is registered.
30 (23) "Responding state" means a state in which a petition or
31 comparable pleading for support or to determine parentage of a
32 child is filed or to which a petition or comparable pleading is
33 forwarded for filing from another state or a foreign country.
34 (24) "Responding tribunal" means the authorized tribunal in a
35 responding state or foreign country.
36 (25) "Spousal-support order" means a support order for a spouse
37 or former spouse of the obligor.
38 (26) "State" means a state of the United States, the District of
39 Columbia, Puerto Rico, the United States Virgin Islands, or any

1 territory or insular possession under the jurisdiction of the United
2 States. The term includes an Indian nation or tribe.

3 (27) “Support enforcement agency” means a public official,
4 governmental entity, or private agency authorized to:

5 (A) seek enforcement of support orders or laws relating to the
6 duty of support;

7 (B) seek establishment or modification of child support;

8 (C) request determination of parentage of a child;

9 (D) attempt to locate obligors or their assets; or

10 (E) request determination of the controlling child-support order.

11 (28) “Support order” means a judgment, decree, order, decision,
12 or directive, whether temporary, final, or subject to modification,
13 issued in a state or foreign country for the benefit of a child, a
14 spouse, or a former spouse, which provides for monetary support,
15 health care, arrearages, retroactive support, or reimbursement for
16 financial assistance provided to an individual obligee in place of
17 child support. The term may include related costs and fees, interest,
18 income withholding, automatic adjustment, reasonable attorney’s
19 fees, and other relief.

20 (29) “Tribunal” means a court, administrative agency, or
21 quasi-judicial entity authorized to establish, enforce, or modify
22 support orders or to determine parentage of a child.

23 5700.103. (a) The superior court is the tribunal of this state.

24 (b) The Department of Child Support Services is the support
25 enforcement agency of this state.

26 5700.104. (a) Remedies provided by this part are cumulative
27 and do not affect the availability of remedies under other law or
28 the recognition of a foreign support order on the basis of comity.

29 (b) This part does not:

30 (1) provide the exclusive method of establishing or enforcing
31 a support order under the law of this state; or

32 (2) grant a tribunal of this state jurisdiction to render judgment
33 or issue an order relating to child custody or visitation in a
34 proceeding under this part.

35 5700.105. (a) A tribunal of this state shall apply Chapters 1
36 through 6 and, as applicable, Chapter 7, to a support proceeding
37 involving:

38 (1) a foreign support order;

39 (2) a foreign tribunal; or

40 (3) an obligee, obligor, or child residing in a foreign country.

1 (b) A tribunal of this state that is requested to recognize and
2 enforce a support order on the basis of comity may apply the
3 procedural and substantive provisions of Chapters 1 through 6.

4 (c) Chapter 7 applies only to a support proceeding under the
5 Convention. In such a proceeding, if a provision of Chapter 7 is
6 inconsistent with Chapters 1 through 6, Chapter 7 controls.

7
8 CHAPTER 2. JURISDICTION
9

10 5700.201. (a) In a proceeding to establish or enforce a support
11 order or to determine parentage of a child, a tribunal of this state
12 may exercise personal jurisdiction over a nonresident individual
13 or the individual's guardian or conservator if:

14 (1) the individual is personally served with notice within this
15 state;

16 (2) the individual submits to the jurisdiction of this state by
17 consent in a record, by entering a general appearance, or by filing
18 a responsive document having the effect of waiving any contest
19 to personal jurisdiction;

20 (3) the individual resided with the child in this state;

21 (4) the individual resided in this state and provided prenatal
22 expenses or support for the child;

23 (5) the child resides in this state as a result of the acts or
24 directives of the individual;

25 (6) the individual engaged in sexual intercourse in this state and
26 the child may have been conceived by that act of intercourse;

27 (7) the individual has filed a declaration of paternity pursuant
28 to Chapter 3 (commencing with Section 7570) of Part 2 of Division
29 12, maintained in this state by the Department of Child Support
30 Services; or

31 (8) there is any other basis consistent with the constitutions of
32 this state and the United States for the exercise of personal
33 jurisdiction.

34 (b) The bases of personal jurisdiction set forth in subsection (a)
35 or in any other law of this state may not be used to acquire personal
36 jurisdiction for a tribunal of this state to modify a child-support
37 order of another state unless the requirements of Section 5700.611
38 are met, or, in the case of a foreign support order, unless the
39 requirements of Section 5700.615 are met.

1 5700.202. Personal jurisdiction acquired by a tribunal of this
2 state in a proceeding under this part or other law of this state
3 relating to a support order continues as long as a tribunal of this
4 state has continuing, exclusive jurisdiction to modify its order or
5 continuing jurisdiction to enforce its order as provided by Sections
6 5700.205, 5700.206, and 5700.211.

7 5700.203. Under this part, a tribunal of this state may serve as
8 an initiating tribunal to forward proceedings to a tribunal of another
9 state, and as a responding tribunal for proceedings initiated in
10 another state or a foreign country.

11 5700.204. (a) A tribunal of this state may exercise jurisdiction
12 to establish a support order if the petition or comparable pleading
13 is filed after a pleading is filed in another state or a foreign country
14 only if:

15 (1) the petition or comparable pleading in this state is filed
16 before the expiration of the time allowed in the other state or the
17 foreign country for filing a responsive pleading challenging the
18 exercise of jurisdiction by the other state or the foreign country;

19 (2) the contesting party timely challenges the exercise of
20 jurisdiction in the other state or the foreign country; and

21 (3) if relevant, this state is the home state of the child.

22 (b) A tribunal of this state may not exercise jurisdiction to
23 establish a support order if the petition or comparable pleading is
24 filed before a petition or comparable pleading is filed in another
25 state or a foreign country if:

26 (1) the petition or comparable pleading in the other state or
27 foreign country is filed before the expiration of the time allowed
28 in this state for filing a responsive pleading challenging the exercise
29 of jurisdiction by this state;

30 (2) the contesting party timely challenges the exercise of
31 jurisdiction in this state; and

32 (3) if relevant, the other state or foreign country is the home
33 state of the child.

34 5700.205. (a) A tribunal of this state that has issued a
35 child-support order consistent with the law of this state has and
36 shall exercise continuing, exclusive jurisdiction to modify its
37 child-support order if the order is the controlling order and:

38 (1) at the time of the filing of a request for modification this
39 state is the residence of the obligor, the individual obligee, or the
40 child for whose benefit the support order is issued; or

(2) even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.

(b) A tribunal of this state that has issued a child-support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to modify the order if:

(1) all of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(2) its order is not the controlling order.

(c) If a tribunal of another state has issued a child-support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act which modifies a child-support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

(d) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

5700.206. (a) A tribunal of this state that has issued a child-support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce:

(1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or

(2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

1 (b) A tribunal of this state having continuing jurisdiction over
2 a support order may act as a responding tribunal to enforce the
3 order.

4 5700.207. (a) If a proceeding is brought under this part and
5 only one tribunal has issued a child-support order, the order of that
6 tribunal controls and must be recognized.

7 (b) If a proceeding is brought under this part, and two or more
8 child-support orders have been issued by tribunals of this state,
9 another state, or a foreign country with regard to the same obligor
10 and same child, a tribunal of this state having personal jurisdiction
11 over both the obligor and individual obligee shall apply the
12 following rules and by order shall determine which order controls
13 and must be recognized:

14 (1) If only one of the tribunals would have continuing, exclusive
15 jurisdiction under this part, the order of that tribunal controls.

16 (2) If more than one of the tribunals would have continuing,
17 exclusive jurisdiction under this part:

18 (A) an order issued by a tribunal in the current home state of
19 the child controls; or

20 (B) if an order has not been issued in the current home state of
21 the child, the order most recently issued controls.

22 (3) If none of the tribunals would have continuing, exclusive
23 jurisdiction under this part, the tribunal of this state shall issue a
24 child-support order, which controls.

25 (c) If two or more child-support orders have been issued for the
26 same obligor and same child, upon request of a party who is an
27 individual or that is a support enforcement agency, a tribunal of
28 this state having personal jurisdiction over both the obligor and
29 the obligee who is an individual shall determine which order
30 controls under subsection (b). The request may be filed with a
31 registration for enforcement or registration for modification
32 pursuant to Chapter 6, or may be filed as a separate proceeding.

33 (d) A request to determine which is the controlling order must
34 be accompanied by a copy of every child-support order in effect
35 and the applicable record of payments. The requesting party shall
36 give notice of the request to each party whose rights may be
37 affected by the determination.

38 (e) The tribunal that issued the controlling order under
39 subsection (a), (b), or (c) has continuing jurisdiction to the extent
40 provided in Section 5700.205 or 5700.206.

1 (f) A tribunal of this state that determines by order which is the
2 controlling order under subsection (b)(1) or (2) or (c), or that issues
3 a new controlling order under subsection(b)(3), shall state in that
4 order:

- 5 (1) the basis upon which the tribunal made its determination;
- 6 (2) the amount of prospective support, if any; and
- 7 (3) the total amount of consolidated arrears and accrued interest,
8 if any, under all of the orders after all payments made are credited
9 as provided by Section 5700.209.

10 (g) Within 30 days after issuance of an order determining which
11 is the controlling order, the party obtaining the order shall file a
12 certified copy of it in each tribunal that issued or registered an
13 earlier order of child support. A party or support enforcement
14 agency obtaining the order that fails to file a certified copy is
15 subject to appropriate sanctions by a tribunal in which the issue
16 of failure to file arises. The failure to file does not affect the validity
17 or enforceability of the controlling order.

18 (h) An order that has been determined to be the controlling
19 order, or a judgment for consolidated arrears of support and
20 interest, if any, made pursuant to this section must be recognized
21 in proceedings under this part.

22 5700.208. In responding to registrations or petitions for
23 enforcement of two or more child-support orders in effect at the
24 same time with regard to the same obligor and different individual
25 obligees, at least one of which was issued by a tribunal of another
26 state or a foreign country, a tribunal of this state shall enforce those
27 orders in the same manner as if the orders had been issued by a
28 tribunal of this state.

29 5700.209. A tribunal of this state shall credit amounts collected
30 for a particular period pursuant to any child-support order against
31 the amounts owed for the same period under any other
32 child-support order for support of the same child issued by a
33 tribunal of this state, another state, or a foreign country.

34 5700.210. A tribunal of this state exercising personal
35 jurisdiction over a nonresident in a proceeding under this part,
36 under other law of this state relating to a support order, or
37 recognizing a foreign support order may receive evidence from
38 outside this state pursuant to Section 5700.316, communicate with
39 a tribunal outside this state pursuant to Section 5700.317, and
40 obtain discovery through a tribunal outside this state pursuant to

1 Section 5700.318. In all other respects, Chapters 3 through 6 do
2 not apply, and the tribunal shall apply the procedural and
3 substantive law of this state.

4 5700.211. (a) A tribunal of this state issuing a spousal-support
5 order consistent with the law of this state has continuing, exclusive
6 jurisdiction to modify the spousal-support order throughout the
7 existence of the support obligation.

8 (b) A tribunal of this state may not modify a spousal-support
9 order issued by a tribunal of another state or a foreign country
10 having continuing, exclusive jurisdiction over that order under the
11 law of that state or foreign country.

12 (c) A tribunal of this state that has continuing, exclusive
13 jurisdiction over a spousal-support order may serve as:

14 (1) an initiating tribunal to request a tribunal of another state to
15 enforce the spousal-support order issued in this state; or

16 (2) a responding tribunal to enforce or modify its own
17 spousal-support order.

18
19 CHAPTER 3. CIVIL PROVISIONS OF GENERAL APPLICATION
20

21 5700.301. (a) Except as otherwise provided in this part, this
22 chapter applies to all proceedings under this part.

23 (b) An individual petitioner or a support enforcement agency
24 may initiate a proceeding authorized under this part by filing a
25 petition in an initiating tribunal for forwarding to a responding
26 tribunal or by filing a petition or a comparable pleading directly
27 in a tribunal of another state or a foreign country which has or can
28 obtain personal jurisdiction over the respondent.

29 5700.302. A minor parent, or a guardian or other legal
30 representative of a minor parent, may maintain a proceeding on
31 behalf of or for the benefit of the minor's child.

32 5700.303. Except as otherwise provided in this part, a
33 responding tribunal of this state shall:

34 (1) apply the procedural and substantive law generally applicable
35 to similar proceedings originating in this state and may exercise
36 all powers and provide all remedies available in those proceedings;
37 and

38 (2) determine the duty of support and the amount payable in
39 accordance with the law and support guidelines of this state.

1 5700.304. (a) Upon the filing of a petition authorized by this
2 part, an initiating tribunal of this state shall forward the petition
3 and its accompanying documents:

4 (1) to the responding tribunal or appropriate support enforcement
5 agency in the responding state; or

6 (2) if the identity of the responding tribunal is unknown, to the
7 state information agency of the responding state with a request
8 that they be forwarded to the appropriate tribunal and that receipt
9 be acknowledged.

10 (b) If requested by the responding tribunal, a tribunal of this
11 state shall issue a certificate or other document and make findings
12 required by the law of the responding state. If the responding
13 tribunal is in a foreign country, upon request the tribunal of this
14 state shall specify the amount of support sought, convert that
15 amount into the equivalent amount in the foreign currency under
16 applicable official or market exchange rate as publicly reported,
17 and provide any other documents necessary to satisfy the
18 requirements of the responding foreign tribunal.

19 5700.305. (a) When a responding tribunal of this state receives
20 a petition or comparable pleading from an initiating tribunal or
21 directly pursuant to Section 5700.301(b), it shall cause the petition
22 or pleading to be filed and notify the petitioner where and when
23 it was filed.

24 (b) A responding tribunal of this state, to the extent not
25 prohibited by other law, may do one or more of the following:

26 (1) establish or enforce a support order, modify a child-support
27 order, determine the controlling child-support order, or determine
28 parentage of a child;

29 (2) order an obligor to comply with a support order, specifying
30 the amount and the manner of compliance;

31 (3) order income withholding;

32 (4) determine the amount of any arrearages, and specify a
33 method of payment;

34 (5) enforce orders by civil or criminal contempt, or both;

35 (6) set aside property for satisfaction of the support order;

36 (7) place liens and order execution on the obligor's property;

37 (8) order an obligor to keep the tribunal informed of the
38 obligor's current residential address, electronic-mail address,
39 telephone number, employer, address of employment, and
40 telephone number at the place of employment;

1 (9) issue a bench warrant for an obligor who has failed after
2 proper notice to appear at a hearing ordered by the tribunal and
3 enter the bench warrant in any local and state computer systems
4 for criminal warrants;

5 (10) order the obligor to seek appropriate employment by
6 specified methods;

7 (11) award reasonable attorney's fees and other fees and costs;
8 and

9 (12) grant any other available remedy.

10 (c) A responding tribunal of this state shall include in a support
11 order issued under this part, or in the documents accompanying
12 the order, the calculations on which the support order is based.

13 (d) A responding tribunal of this state may not condition the
14 payment of a support order issued under this act upon compliance
15 by a party with provisions for visitation.

16 (e) If a responding tribunal of this state issues an order under
17 this part, the tribunal shall send a copy of the order to the petitioner
18 and the respondent and to the initiating tribunal, if any.

19 (f) If requested to enforce a support order, arrears, or judgment
20 or modify a support order stated in a foreign currency, a responding
21 tribunal of this state shall convert the amount stated in the foreign
22 currency to the equivalent amount in dollars under the applicable
23 official or market exchange rate as publicly reported.

24 5700.306. If a petition or comparable pleading is received by
25 an inappropriate tribunal of this state, the tribunal shall forward
26 the pleading and accompanying documents to an appropriate
27 tribunal of this state or another state and notify the petitioner where
28 and when the pleading was sent.

29 5700.307. (a) A support enforcement agency of this state, upon
30 request, shall provide services to a petitioner in a proceeding under
31 this part.

32 (b) A support enforcement agency of this state that is providing
33 services to the petitioner shall:

34 (1) take all steps necessary to enable an appropriate tribunal of
35 this state, another state, or a foreign country to obtain jurisdiction
36 over the respondent;

37 (2) request an appropriate tribunal to set a date, time, and place
38 for a hearing;

39 (3) make a reasonable effort to obtain all relevant information,
40 including information as to income and property of the parties;

1 (4) within 14 days, exclusive of Saturdays, Sundays, and legal
2 holidays, after receipt of notice in a record from an initiating,
3 responding, or registering tribunal, send a copy of the notice to
4 the petitioner;

5 (5) within 14 days, exclusive of Saturdays, Sundays, and legal
6 holidays, after receipt of communication in a record from the
7 respondent or the respondent's attorney, send a copy of the
8 communication to the petitioner; and

9 (6) notify the petitioner if jurisdiction over the respondent cannot
10 be obtained.

11 (c) A support enforcement agency of this state that requests
12 registration of a child-support order in this state for enforcement
13 or for modification shall make reasonable efforts:

14 (1) to ensure that the order to be registered is the controlling
15 order; or

16 (2) if two or more child-support orders exist and the identity of
17 the controlling order has not been determined, to ensure that a
18 request for such a determination is made in a tribunal having
19 jurisdiction to do so.

20 (d) A support enforcement agency of this state that requests
21 registration and enforcement of a support order, arrears, or
22 judgment stated in a foreign currency shall convert the amounts
23 stated in the foreign currency into the equivalent amounts in dollars
24 under the applicable official or market exchange rate as publicly
25 reported.

26 (e) A support enforcement agency of this state shall issue or
27 request a tribunal of this state to issue a child-support order and
28 an income-withholding order that redirect payment of current
29 support, arrears, and interest if requested to do so by a support
30 enforcement agency of another state pursuant to Section 5700.319.

31 (f) This part does not create or negate a relationship of attorney
32 and client or other fiduciary relationship between a support
33 enforcement agency or the attorney for the agency and the
34 individual being assisted by the agency.

35 5700.308. (a) If the Attorney General determines that the
36 support enforcement agency is neglecting or refusing to provide
37 services to an individual, the Attorney General may order the
38 agency to perform its duties under this part or may provide those
39 services directly to the individual.

1 (b) The Attorney General may determine that a foreign country
2 has established a reciprocal arrangement for child support with
3 this state and take appropriate action for notification of the
4 determination.

5 5700.309. An individual may employ private counsel to
6 represent the individual in proceedings authorized by this part.

7 5700.310. (a) The Department of Child Support Services is
8 the state information agency under this part.

9 (b) The state information agency shall:

10 (1) compile and maintain a current list, including addresses, of
11 the tribunals in this state which have jurisdiction under this part
12 and any support enforcement agencies in this state and transmit a
13 copy to the state information agency of every other state;

14 (2) maintain a register of names and addresses of tribunals and
15 support enforcement agencies received from other states;

16 (3) forward to the appropriate tribunal in the county in this state
17 in which the obligee who is an individual or the obligor resides,
18 or in which the obligor's property is believed to be located, all
19 documents concerning a proceeding under this part received from
20 another state or a foreign country; and

21 (4) obtain information concerning the location of the obligor
22 and the obligor's property within this state not exempt from
23 execution, by such means as postal verification and federal or state
24 locator services, examination of telephone directories, requests for
25 the obligor's address from employers, and examination of
26 governmental records, including, to the extent not prohibited by
27 other law, those relating to real property, vital statistics, law
28 enforcement, taxation, motor vehicles, driver's licenses, and social
29 security.

30 5700.311. (a) In a proceeding under this part, a petitioner
31 seeking to establish a support order, to determine parentage of a
32 child, or to register and modify a support order of a tribunal of
33 another state or a foreign country must file a petition. Unless
34 otherwise ordered under Section 5700.312, the petition or
35 accompanying documents must provide, so far as known, the name,
36 residential address, and social security numbers of the obligor and
37 the obligee or the parent and alleged parent, and the name, sex,
38 residential address, social security number, and date of birth of
39 each child for whose benefit support is sought or whose parentage
40 is to be determined. Unless filed at the time of registration, the

1 petition must be accompanied by a copy of any support order
2 known to have been issued by another tribunal. The petition may
3 include any other information that may assist in locating or
4 identifying the respondent.

5 (b) The petition must specify the relief sought. The petition and
6 accompanying documents must conform substantially with the
7 requirements imposed by the forms mandated by federal law for
8 use in cases filed by a support enforcement agency.

9 5700.312. If a party alleges in an affidavit or a pleading under
10 oath that the health, safety, or liberty of a party or child would be
11 jeopardized by disclosure of specific identifying information, that
12 information must be sealed and may not be disclosed to the other
13 party or the public. After a hearing in which a tribunal takes into
14 consideration the health, safety, or liberty of the party or child, the
15 tribunal may order disclosure of information that the tribunal
16 determines to be in the interest of justice.

17 5700.313. (a) The petitioner may not be required to pay a filing
18 fee or other costs.

19 (b) If an obligee prevails, a responding tribunal of this state may
20 assess against an obligor filing fees, reasonable attorney's fees,
21 other costs, and necessary travel and other reasonable expenses
22 incurred by the obligee and the obligee's witnesses. The tribunal
23 may not assess fees, costs, or expenses against the obligee or the
24 support enforcement agency of either the initiating or responding
25 state or foreign country, except as provided by other law.
26 Attorney's fees may be taxed as costs, and may be ordered paid
27 directly to the attorney, who may enforce the order in the attorney's
28 own name. Payment of support owed to the obligee has priority
29 over fees, costs, and expenses.

30 (c) The tribunal shall order the payment of costs and reasonable
31 attorney's fees if it determines that a hearing was requested
32 primarily for delay. In a proceeding under Chapter 6, a hearing is
33 presumed to have been requested primarily for delay if a registered
34 support order is confirmed or enforced without change.

35 5700.314. (a) Participation by a petitioner in a proceeding
36 under this part before a responding tribunal, whether in person, by
37 private attorney, or through services provided by the support
38 enforcement agency, does not confer personal jurisdiction over
39 the petitioner in another proceeding.

1 (b) A petitioner is not amenable to service of civil process while
2 physically present in this state to participate in a proceeding under
3 this part.

4 (c) The immunity granted by this section does not extend to
5 civil litigation based on acts unrelated to a proceeding under this
6 part committed by a party while physically present in this state to
7 participate in the proceeding.

8 5700.315. A party whose parentage of a child has been
9 previously determined by or pursuant to law may not plead
10 nonparentage as a defense to a proceeding under this part.

11 5700.316. (a) The physical presence of a nonresident party
12 who is an individual in a tribunal of this state is not required for
13 the establishment, enforcement, or modification of a support order
14 or the rendition of a judgment determining parentage of a child.

15 (b) An affidavit, a document substantially complying with
16 federally mandated forms, or a document incorporated by reference
17 in any of them, which would not be excluded under the hearsay
18 rule if given in person, is admissible in evidence if given under
19 penalty of perjury by a party or witness residing outside this state.

20 (c) A copy of the record of child-support payments certified as
21 a true copy of the original by the custodian of the record may be
22 forwarded to a responding tribunal. The copy is evidence of facts
23 asserted in it, and is admissible to show whether payments were
24 made.

25 (d) Copies of bills for testing for parentage of a child, and for
26 prenatal and postnatal health care of the mother and child, furnished
27 to the adverse party at least 10 days before trial, are admissible in
28 evidence to prove the amount of the charges billed and that the
29 charges were reasonable, necessary, and customary.

30 (e) Documentary evidence transmitted from outside this state
31 to a tribunal of this state by telephone, telecopier, or other
32 electronic means that do not provide an original record may not
33 be excluded from evidence on an objection based on the means of
34 transmission.

35 (f) In a proceeding under this part, a tribunal of this state shall
36 permit a party or witness residing outside this state to be deposed
37 or to testify under penalty of perjury by telephone, audiovisual
38 means, or other electronic means at a designated tribunal or other
39 location. A tribunal of this state shall cooperate with other tribunals

1 in designating an appropriate location for the deposition or
2 testimony.

3 (g) If a party called to testify at a civil hearing refuses to answer
4 on the ground that the testimony may be self-incriminating, the
5 trier of fact may draw an adverse inference from the refusal.

6 (h) A privilege against disclosure of communications between
7 spouses does not apply in a proceeding under this part.

8 (i) The defense of immunity based on the relationship of husband
9 and wife or parent and child does not apply in a proceeding under
10 this part.

11 (j) A voluntary acknowledgment of paternity, certified as a true
12 copy, is admissible to establish parentage of the child.

13 5700.317. A tribunal of this state may communicate with a
14 tribunal outside this state in a record or by telephone, electronic
15 mail, or other means, to obtain information concerning the laws,
16 the legal effect of a judgment, decree, or order of that tribunal, and
17 the status of a proceeding. A tribunal of this state may furnish
18 similar information by similar means to a tribunal outside this
19 state.

20 5700.318. A tribunal of this state may:

21 (1) request a tribunal outside this state to assist in obtaining
22 discovery; and

23 (2) upon request, compel a person over which it has jurisdiction
24 to respond to a discovery order issued by a tribunal outside this
25 state.

26 5700.319. (a) A support enforcement agency or tribunal of
27 this state shall disburse promptly any amounts received pursuant
28 to a support order, as directed by the order. The agency or tribunal
29 shall furnish to a requesting party or tribunal of another state or a
30 foreign country a certified statement by the custodian of the record
31 of the amounts and dates of all payments received.

32 (b) If neither the obligor, nor the obligee who is an individual,
33 nor the child resides in this state, upon request from the support
34 enforcement agency of this state or another state, the Department
35 of Child Support Services or a tribunal of this state shall:

36 (1) direct that the support payment be made to the support
37 enforcement agency in the state in which the obligee is receiving
38 services; and

1 (2) issue and send to the obligor's employer a conforming
2 income-withholding order or an administrative notice of change
3 of payee, reflecting the redirected payments.

4 (c) The support enforcement agency of this state receiving
5 redirected payments from another state pursuant to a law similar
6 to subsection (b) shall furnish to a requesting party or tribunal of
7 the other state a certified statement by the custodian of the record
8 of the amount and dates of all payments received.

9
10 CHAPTER 4. ESTABLISHMENT OF SUPPORT ORDER OR
11 DETERMINATION OF PARENTAGE
12

13 5700.401. (a) If a support order entitled to recognition under
14 this part has not been issued, a responding tribunal of this state
15 with personal jurisdiction over the parties may issue a support
16 order if:

17 (1) the individual seeking the order resides outside this state;
18 or

19 (2) the support enforcement agency seeking the order is located
20 outside this state.

21 (b) The tribunal may issue a temporary child-support order if
22 the tribunal determines that such an order is appropriate and the
23 individual ordered to pay is:

24 (1) a presumed father of the child;
25 (2) petitioning to have his paternity adjudicated;
26 (3) identified as the father of the child through genetic testing;
27 (4) an alleged father who has declined to submit to genetic
28 testing;

29 (5) shown by clear and convincing evidence to be the father of
30 the child;

31 (6) an acknowledged father as provided by applicable state law;

32 (7) the mother of the child; or

33 (8) an individual who has been ordered to pay child support in
34 a previous proceeding and the order has not been reversed or
35 vacated.

36 (c) Upon finding, after notice and opportunity to be heard, that
37 an obligor owes a duty of support, the tribunal shall issue a support
38 order directed to the obligor and may issue other orders pursuant
39 to Section 5700.305.

1 5700.402. A tribunal of this state authorized to determine
2 parentage of a child may serve as a responding tribunal in a
3 proceeding to determine parentage of a child brought under this
4 part or a law or procedure substantially similar to this part.

5
6 CHAPTER 5. ENFORCEMENT OF SUPPORT ORDER WITHOUT
7 REGISTRATION
8

9 5700.501. An income-withholding order issued in another state
10 may be sent by or on behalf of the obligee, or by the support
11 enforcement agency, to the person defined as the obligor's
12 employer under Section 5210 without first filing a petition or
13 comparable pleading or registering the order with a tribunal of this
14 state.

15 5700.502. (a) Upon receipt of an income-withholding order,
16 the obligor's employer shall immediately provide a copy of the
17 order to the obligor.

18 (b) The employer shall treat an income-withholding order issued
19 in another state which appears regular on its face as if it had been
20 issued by a tribunal of this state.

21 (c) Except as otherwise provided in subsection (d) and Section
22 5700.503, the employer shall withhold and distribute the funds as
23 directed in the withholding order by complying with terms of the
24 order which specify:

25 (1) the duration and amount of periodic payments of current
26 child support, stated as a sum certain;

27 (2) the person designated to receive payments and the address
28 to which the payments are to be forwarded;

29 (3) medical support, whether in the form of periodic cash
30 payment, stated as a sum certain, or ordering the obligor to provide
31 health insurance coverage for the child under a policy available
32 through the obligor's employment;

33 (4) the amount of periodic payments of fees and costs for a
34 support enforcement agency, the issuing tribunal, and the obligee's
35 attorney, stated as sums certain; and

36 (5) the amount of periodic payments of arrearages and interest
37 on arrearages, stated as sums certain.

38 (d) An employer shall comply with the law of the state of the
39 obligor's principal place of employment for withholding from
40 income with respect to:

1 (1) the employer's fee for processing an income-withholding
2 order;

3 (2) the maximum amount permitted to be withheld from the
4 obligor's income; and

5 (3) the times within which the employer must implement the
6 withholding order and forward the child-support payment.

7 5700.503. If an obligor's employer receives two or more
8 income-withholding orders with respect to the earnings of the same
9 obligor, the employer satisfies the terms of the orders if the
10 employer complies with the law of the state of the obligor's
11 principal place of employment to establish the priorities for
12 withholding and allocating income withheld for two or more
13 child-support obligees.

14 5700.504. An employer that complies with an
15 income-withholding order issued in another state in accordance
16 with this chapter is not subject to civil liability to an individual or
17 agency with regard to the employer's withholding of child support
18 from the obligor's income.

19 5700.505. An employer that willfully fails to comply with an
20 income-withholding order issued in another state and received for
21 enforcement is subject to the same penalties that may be imposed
22 for noncompliance with an order issued by a tribunal of this state.

23 5700.506. (a) An obligor may contest the validity or
24 enforcement of an income-withholding order issued in another
25 state and received directly by an employer in this state by
26 registering the order in a tribunal of this state and filing a contest
27 to that order as provided in Chapter 6, or otherwise contesting the
28 order in the same manner as if the order had been issued by a
29 tribunal of this state.

30 (b) The obligor shall give notice of the contest to:

31 (1) a support enforcement agency providing services to the
32 obligee;

33 (2) each employer that has directly received an
34 income-withholding order relating to the obligor; and

35 (3) the person designated to receive payments in the
36 income-withholding order or, if no person is designated, to the
37 obligee.

38 5700.507. (a) A party or support enforcement agency seeking
39 to enforce a support order or an income-withholding order, or both,
40 issued in another state or a foreign support order may send the

1 documents required for registering the order to a support
2 enforcement agency of this state.

3 (b) Upon receipt of the documents, the support enforcement
4 agency, without initially seeking to register the order, shall consider
5 and, if appropriate, use any administrative procedure authorized
6 by the law of this state to enforce a support order or an
7 income-withholding order, or both. If the obligor does not contest
8 administrative enforcement, the order need not be registered. If
9 the obligor contests the validity or administrative enforcement of
10 the order, the support enforcement agency shall register the order
11 pursuant to this part.

12
13 CHAPTER 6. REGISTRATION, ENFORCEMENT, AND
14 MODIFICATION OF SUPPORT ORDER
15

16 Article 1. Registration for Enforcement of Support Order
17

18 5700.601. A support order or income-withholding order issued
19 in another state or a foreign support order may be registered in this
20 state for enforcement.

21 5700.602. (a) Except as otherwise provided in Section
22 5700.706, a support order or income-withholding order of another
23 state or a foreign support order may be registered in this state by
24 sending the following records to the appropriate tribunal in this
25 state:

26 (1) a letter of transmittal to the tribunal requesting registration
27 and enforcement;

28 (2) two copies, including one certified copy, of the order to be
29 registered, including any modification of the order;

30 (3) a sworn statement by the person requesting registration or
31 a certified statement by the custodian of the records showing the
32 amount of any arrearage;

33 (4) the name of the obligor and, if known:

34 (A) the obligor's address and social security number;

35 (B) the name and address of the obligor's employer and any
36 other source of income of the obligor; and

37 (C) a description and the location of property of the obligor in
38 this state not exempt from execution; and

1 (5) except as otherwise provided in Section 5700.312, the name
2 and address of the obligee and, if applicable, the person to whom
3 support payments are to be remitted.

4 (b) On receipt of a request for registration, the registering
5 tribunal shall cause the order to be filed as an order of a tribunal
6 of another state or a foreign support order, together with one copy
7 of the documents and information, regardless of their form.

8 (c) A petition or comparable pleading seeking a remedy that
9 must be affirmatively sought under other law of this state may be
10 filed at the same time as the request for registration or later. The
11 pleading must specify the grounds for the remedy sought.

12 (d) If two or more orders are in effect, the person requesting
13 registration shall:

14 (1) furnish to the tribunal a copy of every support order asserted
15 to be in effect in addition to the documents specified in this section;

16 (2) specify the order alleged to be the controlling order, if any;
17 and

18 (3) specify the amount of consolidated arrears, if any.

19 (e) A request for a determination of which is the controlling
20 order may be filed separately or with a request for registration and
21 enforcement or for registration and modification. The person
22 requesting registration shall give notice of the request to each party
23 whose rights may be affected by the determination.

24 5700.603. (a) A support order or income-withholding order
25 issued in another state or a foreign support order is registered when
26 the order is filed in the registering tribunal of this state.

27 (b) A registered support order issued in another state or a foreign
28 country is enforceable in the same manner and is subject to the
29 same procedures as an order issued by a tribunal of this state.

30 (c) Except as otherwise provided in this part, a tribunal of this
31 state shall recognize and enforce, but may not modify, a registered
32 support order if the issuing tribunal had jurisdiction.

33 5700.604. (a) Except as otherwise provided in subsection (d),
34 the law of the issuing state or foreign country governs:

35 (1) the nature, extent, amount, and duration of current payments
36 under a registered support order;

37 (2) the computation and payment of arrearages and accrual of
38 interest on the arrearages under the support order; and

39 (3) the existence and satisfaction of other obligations under the
40 support order.

1 (b) In a proceeding for arrears under a registered support order,
2 the statute of limitation of this state, or of the issuing state or
3 foreign country, whichever is longer, applies.

4 (c) A responding tribunal of this state shall apply the procedures
5 and remedies of this state to enforce current support and collect
6 arrears and interest due on a support order of another state or a
7 foreign country registered in this state.

8 (d) After a tribunal of this state or another state determines
9 which is the controlling order and issues an order consolidating
10 arrears, if any, a tribunal of this state shall prospectively apply the
11 law of the state or foreign country issuing the controlling order,
12 including its law on interest on arrears, on current and future
13 support, and on consolidated arrears.

14
15 Article 2. Contest of Validity or Enforcement
16

17 5700.605. (a) When a support order or income-withholding
18 order issued in another state or a foreign support order is registered,
19 the registering tribunal of this state shall notify the nonregistering
20 party. The notice must be accompanied by a copy of the registered
21 order and the documents and relevant information accompanying
22 the order.

23 (b) A notice must inform the nonregistering party:

24 (1) that a registered support order is enforceable as of the date
25 of registration in the same manner as an order issued by a tribunal
26 of this state;

27 (2) that a hearing to contest the validity or enforcement of the
28 registered order must be requested within 20 days after notice
29 unless the registered order is under Section 5700.707;

30 (3) that failure to contest the validity or enforcement of the
31 registered order in a timely manner will result in confirmation of
32 the order and enforcement of the order and the alleged arrearages;
33 and

34 (4) of the amount of any alleged arrearages.

35 (c) If the registering party asserts that two or more orders are
36 in effect, a notice must also:

37 (1) identify the two or more orders and the order alleged by the
38 registering party to be the controlling order and the consolidated
39 arrears, if any;

1 (2) notify the nonregistering party of the right to a determination
2 of which is the controlling order;

3 (3) state that the procedures provided in subsection (b) apply
4 to the determination of which is the controlling order; and

5 (4) state that failure to contest the validity or enforcement of
6 the order alleged to be the controlling order in a timely manner
7 may result in confirmation that the order is the controlling order.

8 (d) Upon registration of an income-withholding order for
9 enforcement, the support enforcement agency or the registering
10 tribunal shall notify the obligor's employer pursuant to Chapter 8
11 (commencing with Section 5200) of Part 5.

12 5700.606. (a) A nonregistering party seeking to contest the
13 validity or enforcement of a registered support order in this state
14 shall request a hearing within the time required by Section
15 5700.605. The nonregistering party may seek to vacate the
16 registration, to assert any defense to an allegation of noncompliance
17 with the registered order, or to contest the remedies being sought
18 or the amount of any alleged arrearages pursuant to Section
19 5700.607.

20 (b) If the nonregistering party fails to contest the validity or
21 enforcement of the registered support order in a timely manner,
22 the order is confirmed by operation of law.

23 (c) If a nonregistering party requests a hearing to contest the
24 validity or enforcement of the registered support order, the
25 registering tribunal shall schedule the matter for hearing and give
26 notice to the parties of the date, time, and place of the hearing.

27 5700.607. (a) A party contesting the validity or enforcement
28 of a registered support order or seeking to vacate the registration
29 has the burden of proving one or more of the following defenses:

30 (1) the issuing tribunal lacked personal jurisdiction over the
31 contesting party;

32 (2) the order was obtained by fraud;

33 (3) the order has been vacated, suspended, or modified by a
34 later order;

35 (4) the issuing tribunal has stayed the order pending appeal;

36 (5) there is a defense under the law of this state to the remedy
37 sought;

38 (6) full or partial payment has been made;

39 (7) the statute of limitation under Section 5700.604 precludes
40 enforcement of some or all of the alleged arrearages; or

1 (8) the alleged controlling order is not the controlling order.

2 (b) If a party presents evidence establishing a full or partial
3 defense under subsection (a), a tribunal may stay enforcement of
4 a registered support order, continue the proceeding to permit
5 production of additional relevant evidence, and issue other
6 appropriate orders. An uncontested portion of the registered support
7 order may be enforced by all remedies available under the law of
8 this state.

9 (c) If the contesting party does not establish a defense under
10 subsection (a) to the validity or enforcement of a registered support
11 order, the registering tribunal shall issue an order confirming the
12 order.

13 5700.608. Confirmation of a registered support order, whether
14 by operation of law or after notice and hearing, precludes further
15 contest of the order with respect to any matter that could have been
16 asserted at the time of registration.

17
18 Article 3. Registration and Modification of Child-Support Order
19 of Another State
20

21 5700.609. A party or support enforcement agency seeking to
22 modify, or to modify and enforce, a child-support order issued in
23 another state shall register that order in this state in the same
24 manner provided in Sections 5700.601 through 5700.608 if the
25 order has not been registered. A petition for modification may be
26 filed at the same time as a request for registration, or later. The
27 pleading must specify the grounds for modification.

28 5700.610. A tribunal of this state may enforce a child-support
29 order of another state registered for purposes of modification, in
30 the same manner as if the order had been issued by a tribunal of
31 this state, but the registered support order may be modified only
32 if the requirements of Section 5700.611 or 5700.613 have been
33 met.

34 5700.611. (a) If Section 5700.613 does not apply, upon petition
35 a tribunal of this state may modify a child-support order issued in
36 another state which is registered in this state if, after notice and
37 hearing, the tribunal finds that:

38 (1) the following requirements are met:

39 (A) neither the child, nor the obligee who is an individual, nor
40 the obligor resides in the issuing state;

1 (B) a petitioner who is a nonresident of this state seeks
2 modification; and

3 (C) the respondent is subject to the personal jurisdiction of the
4 tribunal of this state; or

5 (2) this state is the residence of the child, or a party who is an
6 individual is subject to the personal jurisdiction of the tribunal of
7 this state, and all of the parties who are individuals have filed
8 consents in a record in the issuing tribunal for a tribunal of this
9 state to modify the support order and assume continuing, exclusive
10 jurisdiction.

11 (b) Modification of a registered child-support order is subject
12 to the same requirements, procedures, and defenses that apply to
13 the modification of an order issued by a tribunal of this state and
14 the order may be enforced and satisfied in the same manner.

15 (c) A tribunal of this state may not modify any aspect of a
16 child-support order that may not be modified under the law of the
17 issuing state, including the duration of the obligation of support.
18 If two or more tribunals have issued child-support orders for the
19 same obligor and same child, the order that controls and must be
20 so recognized under Section 5700.207 establishes the aspects of
21 the support order which are nonmodifiable.

22 (d) In a proceeding to modify a child-support order, the law of
23 the state that is determined to have issued the initial controlling
24 order governs the duration of the obligation of support. The
25 obligor's fulfillment of the duty of support established by that
26 order precludes imposition of a further obligation of support by a
27 tribunal of this state.

28 (e) On the issuance of an order by a tribunal of this state
29 modifying a child-support order issued in another state, the tribunal
30 of this state becomes the tribunal having continuing, exclusive
31 jurisdiction.

32 (f) Notwithstanding subsections (a) through (e) and Section
33 5700.201(b), a tribunal of this state retains jurisdiction to modify
34 an order issued by a tribunal of this state if:

35 (1) one party resides in another state; and

36 (2) the other party resides outside the United States.

37 5700.612. If a child-support order issued by a tribunal of this
38 state is modified by a tribunal of another state which assumed
39 jurisdiction pursuant to the Uniform Interstate Family Support
40 Act, a tribunal of this state:

1 (1) may enforce its order that was modified only as to arrears
2 and interest accruing before the modification;

3 (2) may provide appropriate relief for violations of its order
4 which occurred before the effective date of the modification; and

5 (3) shall recognize the modifying order of the other state, upon
6 registration, for the purpose of enforcement.

7 5700.613. (a) If all of the parties who are individuals reside
8 in this state and the child does not reside in the issuing state, a
9 tribunal of this state has jurisdiction to enforce and to modify the
10 issuing state's child-support order in a proceeding to register that
11 order.

12 (b) A tribunal of this state exercising jurisdiction under this
13 section shall apply the provisions of Chapters 1 and 2, and this
14 chapter, and the procedural and substantive law of this state to the
15 proceeding for enforcement or modification. Chapters 3, 4, 5, 7,
16 and 8 do not apply.

17 5700.614. Within 30 days after issuance of a modified
18 child-support order, the party obtaining the modification shall file
19 a certified copy of the order with the issuing tribunal that had
20 continuing, exclusive jurisdiction over the earlier order, and in
21 each tribunal in which the party knows the earlier order has been
22 registered. A party who obtains the order and fails to file a certified
23 copy is subject to appropriate sanctions by a tribunal in which the
24 issue of failure to file arises. The failure to file does not affect the
25 validity or enforceability of the modified order of the new tribunal
26 having continuing, exclusive jurisdiction.

27
28 Article 4. Registration and Modification of Foreign
29 Child-Support Order
30

31 5700.615. (a) Except as otherwise provided in Section
32 5700.711, if a foreign country lacks or refuses to exercise
33 jurisdiction to modify its child-support order pursuant to its laws,
34 a tribunal of this state may assume jurisdiction to modify the
35 child-support order and bind all individuals subject to the personal
36 jurisdiction of the tribunal whether the consent to modification of
37 a child-support order otherwise required of the individual pursuant
38 to Section 5700.611 has been given or whether the individual
39 seeking modification is a resident of this state or of the foreign
40 country.

(b) An order issued by a tribunal of this state modifying a foreign child-support order pursuant to this section is the controlling order.

5700.616. A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child-support order not under the Convention may register that order in this state under Sections 5700.601 through 5700.608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

CHAPTER 7. SUPPORT PROCEEDING UNDER CONVENTION

5700.701. In this chapter:

(1) “Application” means a request under the Convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

(2) “Central authority” means the entity designated by the United States or a foreign country described in Section 5700.102(5)(D) to perform the functions specified in the Convention.

(3) “Convention support order” means a support order of a tribunal of a foreign country described in Section 5700.102(5)(D).

(4) “Direct request” means a petition filed by an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or child residing outside the United States.

(5) “Foreign central authority” means the entity designated by a foreign country described in Section 5700.102(5)(D) to perform the functions specified in the Convention.

(6) “Foreign support agreement”:

(A) means an agreement for support in a record that:

(i) is enforceable as a support order in the country of origin;

(ii) has been:

(I) formally drawn up or registered as an authentic instrument by a foreign tribunal; or

(II) authenticated by, or concluded, registered, or filed with a foreign tribunal; and

(iii) may be reviewed and modified by a foreign tribunal; and

(B) includes a maintenance arrangement or authentic instrument under the Convention.

(7) “United States central authority” means the Secretary of the United States Department of Health and Human Services.

1 5700.702. This chapter applies only to a support proceeding
2 under the Convention. In such a proceeding, if a provision of this
3 chapter is inconsistent with Chapters 1 through 6, this chapter
4 controls.

5 5700.703. The Department of Child Support Services is
6 recognized as the agency designated by the United States central
7 authority to perform specific functions under the Convention.

8 5700.704. (a) In a support proceeding under this chapter, the
9 Department of Child Support Services shall:

10 (1) transmit and receive applications; and

11 (2) initiate or facilitate the institution of a proceeding regarding
12 an application in a tribunal of this state.

13 (b) The following support proceedings are available to an
14 obligee under the Convention:

15 (1) recognition or recognition and enforcement of a foreign
16 support order;

17 (2) enforcement of a support order issued or recognized in this
18 state;

19 (3) establishment of a support order if there is no existing order,
20 including, if necessary, determination of parentage of a child;

21 (4) establishment of a support order if recognition of a foreign
22 support order is refused under Section 5700.708(b)(2), (4), or (9);

23 (5) modification of a support order of a tribunal of this state;
24 and

25 (6) modification of a support order of a tribunal of another state
26 or a foreign country.

27 (c) The following support proceedings are available under the
28 Convention to an obligor against which there is an existing support
29 order:

30 (1) recognition of an order suspending or limiting enforcement
31 of an existing support order of a tribunal of this state;

32 (2) modification of a support order of a tribunal of this state;
33 and

34 (3) modification of a support order of a tribunal of another state
35 or a foreign country.

36 (d) A tribunal of this state may not require security, bond, or
37 deposit, however described, to guarantee the payment of costs and
38 expenses in proceedings under the Convention.

39 5700.705. (a) A petitioner may file a direct request seeking
40 establishment or modification of a support order or determination

1 of parentage of a child. In the proceeding, the law of this state
2 applies.

3 (b) A petitioner may file a direct request seeking recognition
4 and enforcement of a support order or support agreement. In the
5 proceeding, Sections 5700.706 through 5700.713 apply.

6 (c) In a direct request for recognition and enforcement of a
7 Convention support order or foreign support agreement:

8 (1) a security, bond, or deposit is not required to guarantee the
9 payment of costs and expenses; and

10 (2) an obligee or obligor that in the issuing country has benefited
11 from free legal assistance is entitled to benefit, at least to the same
12 extent, from any free legal assistance provided for by the law of
13 this state under the same circumstances.

14 (d) A petitioner filing a direct request is not entitled to assistance
15 from the Department of Child Support Services.

16 (e) This chapter does not prevent the application of laws of this
17 state that provide simplified, more expeditious rules regarding a
18 direct request for recognition and enforcement of a foreign support
19 order or foreign support agreement.

20 5700.706. (a) Except as otherwise provided in this chapter, a
21 party who is an individual or a support enforcement agency seeking
22 recognition of a Convention support order shall register the order
23 in this state as provided in Chapter 6.

24 (b) Notwithstanding Sections 5700.311 and 5700.602(a), a
25 request for registration of a Convention support order must be
26 accompanied by:

27 (1) a complete text of the support order or an abstract or extract
28 of the support order drawn up by the issuing foreign tribunal, which
29 may be in the form recommended by the Hague Conference on
30 Private International Law;

31 (2) a record stating that the support order is enforceable in the
32 issuing country;

33 (3) if the respondent did not appear and was not represented in
34 the proceedings in the issuing country, a record attesting, as
35 appropriate, either that the respondent had proper notice of the
36 proceedings and an opportunity to be heard or that the respondent
37 had proper notice of the support order and an opportunity to be
38 heard in a challenge or appeal on fact or law before a tribunal;

39 (4) a record showing the amount of arrears, if any, and the date
40 the amount was calculated;

1 (5) a record showing a requirement for automatic adjustment
2 of the amount of support, if any, and the information necessary to
3 make the appropriate calculations; and

4 (6) if necessary, a record showing the extent to which the
5 applicant received free legal assistance in the issuing country.

6 (c) A request for registration of a Convention support order may
7 seek recognition and partial enforcement of the order.

8 (d) A tribunal of this state may vacate the registration of a
9 Convention support order without the filing of a contest under
10 Section 5700.707 only if, acting on its own motion, the tribunal
11 finds that recognition and enforcement of the order would be
12 manifestly incompatible with public policy.

13 (e) The tribunal shall promptly notify the parties of the
14 registration or the order vacating the registration of a Convention
15 support order.

16 5700.707. (a) Except as otherwise provided in this chapter,
17 Sections 5700.605 through 5700.608 apply to a contest of a
18 registered Convention support order.

19 (b) A party contesting a registered Convention support order
20 shall file a contest not later than 30 days after notice of the
21 registration, but if the contesting party does not reside in the United
22 States, the contest must be filed not later than 60 days after notice
23 of the registration.

24 (c) If the nonregistering party fails to contest the registered
25 Convention support order by the time specified in subsection (b),
26 the order is enforceable.

27 (d) A contest of a registered Convention support order may be
28 based only on grounds set forth in Section 5700.708. The contesting
29 party bears the burden of proof.

30 (e) In a contest of a registered Convention support order, a
31 tribunal of this state:

32 (1) is bound by the findings of fact on which the foreign tribunal
33 based its jurisdiction; and

34 (2) may not review the merits of the order.

35 (f) A tribunal of this state deciding a contest of a registered
36 Convention support order shall promptly notify the parties of its
37 decision.

38 (g) A challenge or appeal, if any, does not stay the enforcement
39 of a Convention support order unless there are exceptional
40 circumstances.

1 5700.708. (a) Except as otherwise provided in subsection (b),
2 a tribunal of this state shall recognize and enforce a registered
3 Convention support order.

4 (b) The following grounds are the only grounds on which a
5 tribunal of this state may refuse recognition and enforcement of a
6 registered Convention support order:

7 (1) recognition and enforcement of the order is manifestly
8 incompatible with public policy, including the failure of the issuing
9 tribunal to observe minimum standards of due process, which
10 include notice and an opportunity to be heard;

11 (2) the issuing tribunal lacked personal jurisdiction consistent
12 with Section 5700.201;

13 (3) the order is not enforceable in the issuing country;

14 (4) the order was obtained by fraud in connection with a matter
15 of procedure;

16 (5) a record transmitted in accordance with Section 5700.706
17 lacks authenticity or integrity;

18 (6) a proceeding between the same parties and having the same
19 purpose is pending before a tribunal of this state and that
20 proceeding was the first to be filed;

21 (7) the order is incompatible with a more recent support order
22 involving the same parties and having the same purpose if the more
23 recent support order is entitled to recognition and enforcement
24 under this part in this state;

25 (8) payment, to the extent alleged arrears have been paid in
26 whole or in part;

27 (9) in a case in which the respondent neither appeared nor was
28 represented in the proceeding in the issuing foreign country:

29 (A) if the law of that country provides for prior notice of
30 proceedings, the respondent did not have proper notice of the
31 proceedings and an opportunity to be heard; or

32 (B) if the law of that country does not provide for prior notice
33 of the proceedings, the respondent did not have proper notice of
34 the order and an opportunity to be heard in a challenge or appeal
35 on fact or law before a tribunal; or

36 (10) the order was made in violation of Section 5700.711.

37 (c) If a tribunal of this state does not recognize a Convention
38 support order under subsection (b)(2), (4), or (9):

1 (1) the tribunal may not dismiss the proceeding without allowing
2 a reasonable time for a party to request the establishment of a new
3 Convention support order; and

4 (2) the Department of Child Support Services shall take all
5 appropriate measures to request a child-support order for the
6 obligee if the application for recognition and enforcement was
7 received under Section 5700.704.

8 5700.709. If a tribunal of this state does not recognize and
9 enforce a Convention support order in its entirety, it shall enforce
10 any severable part of the order. An application or direct request
11 may seek recognition and partial enforcement of a Convention
12 support order.

13 5700.710. (a) Except as otherwise provided in subsections (c)
14 and (d), a tribunal of this state shall recognize and enforce a foreign
15 support agreement registered in this state.

16 (b) An application or direct request for recognition and
17 enforcement of a foreign support agreement must be accompanied
18 by:

19 (1) a complete text of the foreign support agreement; and

20 (2) a record stating that the foreign support agreement is
21 enforceable as an order of support in the issuing country.

22 (c) A tribunal of this state may vacate the registration of a
23 foreign support agreement only if, acting on its own motion, the
24 tribunal finds that recognition and enforcement would be manifestly
25 incompatible with public policy.

26 (d) In a contest of a foreign support agreement, a tribunal of
27 this state may refuse recognition and enforcement of the agreement
28 if it finds:

29 (1) recognition and enforcement of the agreement is manifestly
30 incompatible with public policy;

31 (2) the agreement was obtained by fraud or falsification;

32 (3) the agreement is incompatible with a support order involving
33 the same parties and having the same purpose in this state, another
34 state, or a foreign country if the support order is entitled to
35 recognition and enforcement under this act in this state; or

36 (4) the record submitted under subsection (b) lacks authenticity
37 or integrity.

38 (e) A proceeding for recognition and enforcement of a foreign
39 support agreement must be suspended during the pendency of a

1 challenge to or appeal of the agreement before a tribunal of another
2 state or a foreign country.

3 5700.711. (a) A tribunal of this state may not modify a
4 Convention child-support order if the obligee remains a resident
5 of the foreign country where the support order was issued unless:

6 (1) the obligee submits to the jurisdiction of a tribunal of this
7 state, either expressly or by defending on the merits of the case
8 without objecting to the jurisdiction at the first available
9 opportunity; or

10 (2) the foreign tribunal lacks or refuses to exercise jurisdiction
11 to modify its support order or issue a new support order.

12 (b) If a tribunal of this state does not modify a Convention
13 child-support order because the order is not recognized in this
14 state, Section 5700.708(c) applies.

15 5700.712. Personal information gathered or transmitted under
16 this chapter may be used only for the purposes for which it was
17 gathered or transmitted.

18 5700.713. A record filed with a tribunal of this state under this
19 chapter must be in the original language and, if not in English,
20 must be accompanied by an English translation.

21
22 CHAPTER 8. INTERSTATE RENDITION
23

24 5700.801. (a) For purposes of this chapter, “governor” includes
25 an individual performing the functions of governor or the executive
26 authority of a state covered by this act.

27 (b) The Governor may:

28 (1) demand that the governor of another state surrender an
29 individual found in the other state who is charged criminally in
30 this state with having failed to provide for the support of an obligee;
31 or

32 (2) on the demand of the governor of another state, surrender
33 an individual found in this state who is charged criminally in the
34 other state with having failed to provide for the support of an
35 obligee.

36 (c) A provision for extradition of individuals not inconsistent
37 with this act applies to the demand even if the individual whose
38 surrender is demanded was not in the demanding state when the
39 crime was allegedly committed and has not fled therefrom.

1 5700.802. (a) Before making a demand that the governor of
2 another state surrender an individual charged criminally in this
3 state with having failed to provide for the support of an obligee,
4 the Governor may require a prosecutor of this state to demonstrate
5 that at least 60 days previously the obligee had initiated
6 proceedings for support pursuant to this act or that the proceeding
7 would be of no avail.

8 (b) If, under this act or a law substantially similar to this act,
9 the Governor of another state makes a demand that the Governor
10 of this state surrender an individual charged criminally in that state
11 with having failed to provide for the support of a child or other
12 individual to whom a duty of support is owed, the Governor may
13 require a prosecutor to investigate the demand and report whether
14 a proceeding for support has been initiated or would be effective.
15 If it appears that a proceeding would be effective but has not been
16 initiated, the Governor may delay honoring the demand for a
17 reasonable time to permit the initiation of a proceeding.

18 (c) If a proceeding for support has been initiated and the
19 individual whose rendition is demanded prevails, the Governor
20 may decline to honor the demand. If the petitioner prevails and
21 the individual whose rendition is demanded is subject to a support
22 order, the Governor may decline to honor the demand if the
23 individual is complying with the support order.

24 25 CHAPTER 9. MISCELLANEOUS PROVISIONS 26

27 5700.901. In applying and construing this uniform act,
28 consideration must be given to the need to promote uniformity of
29 the law with respect to its subject matter among states that enact
30 it.

31 5700.902. This act applies to proceedings begun on or after
32 January 1, 2016, to establish a support order or determine parentage
33 of a child or to register, recognize, enforce, or modify a prior
34 support order, determination, or agreement, whenever issued or
35 entered.

36 5700.903. If any provision of this part or its application to any
37 person or circumstance is held invalid, the invalidity does not affect
38 other provisions or applications of this part which can be given
39 effect without the invalid provision or application, and to this end
40 the provisions of this part are severable.

1 5700.905. The Department of Child Support Services may
2 adopt emergency regulations on or before January 1, 2016, as
3 appropriate to implement this part.

4 SEC. 6. Section 6322.5 of the Family Code is amended to read:

5 6322.5. Pursuant to ~~Sections 4926 and 4977~~, *Section 5700.312*,
6 the court may issue an ex parte order prohibiting disclosure of the
7 address or other identifying information of a party, child, parent,
8 guardian or other caretaker of a child.

9 SEC. 7. Section 17212 of the Family Code is amended to read:

10 17212. (a) It is the intent of the Legislature to protect
11 individual rights of privacy, and to facilitate and enhance the
12 effectiveness of the child and spousal support enforcement
13 program, by ensuring the confidentiality of support enforcement
14 and child abduction records, and to thereby encourage the full and
15 frank disclosure of information relevant to all of the following:

16 (1) The establishment or maintenance of parent and child
17 relationships and support obligations.

18 (2) The enforcement of the child support liability of absent
19 parents.

20 (3) The enforcement of spousal support liability of the spouse
21 or former spouse to the extent required by the state plan under
22 Section 17604 and ~~Chapter 6 (commencing with Section 4900)~~ of
23 ~~Part 5~~ *Part 6 (commencing with Section 5700.101)* of Division 9.

24 (4) The location of absent parents.

25 (5) The location of parents and children abducted, concealed,
26 or detained by them.

27 (b) (1) Except as provided in subdivision (c), all files,
28 applications, papers, documents, and records established or
29 maintained by any public entity pursuant to the administration and
30 implementation of the child and spousal support enforcement
31 program established pursuant to Part D (commencing with Section
32 651) of Subchapter IV of Chapter 7 of Title 42 of the United States
33 Code and this division, shall be confidential, and shall not be open
34 to examination or released for disclosure for any purpose not
35 directly connected with the administration of the child and spousal
36 support enforcement program. No public entity shall disclose any
37 file, application, paper, document, or record, or the information
38 contained therein, except as expressly authorized by this section.

39 (2) In no case shall information be released or the whereabouts
40 of one party or the child disclosed to another party, or to the

1 attorney of any other party, if a protective order has been issued
2 by a court or administrative agency with respect to the party, a
3 good cause claim under Section 11477.04 of the Welfare and
4 Institutions Code has been approved or is pending, or the public
5 agency responsible for establishing paternity or enforcing support
6 has reason to believe that the release of the information may result
7 in physical or emotional harm to the party or the child. When a
8 local child support agency is prohibited from releasing information
9 pursuant to this subdivision, the information shall be omitted from
10 any pleading or document to be submitted to the court and this
11 subdivision shall be cited in the pleading or other document as the
12 authority for the omission. The information shall be released only
13 upon an order of the court pursuant to paragraph (6) of subdivision
14 (c).

15 (3) Notwithstanding any other provision of law, a proof of
16 service filed by the local child support agency shall not disclose
17 the address where service of process was accomplished. Instead,
18 the local child support agency shall keep the address in its own
19 records. The proof of service shall specify that the address is on
20 record at the local child support agency and that the address may
21 be released only upon an order from the court pursuant to paragraph
22 (6) of subdivision (c). The local child support agency shall, upon
23 request by a party served, release to that person the address where
24 service was effected.

25 (c) Disclosure of the information described in subdivision (b)
26 is authorized as follows:

27 (1) All files, applications, papers, documents, and records as
28 described in subdivision (b) shall be available and may be used
29 by a public entity for all administrative, civil, or criminal
30 investigations, actions, proceedings, or prosecutions conducted in
31 connection with the administration of the child and spousal support
32 enforcement program approved under Part D (commencing with
33 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the
34 United States Code and to the county welfare department
35 responsible for administering a program operated under a state
36 plan pursuant to Part A, Subpart 1 or 2 of Part B, or Part E of
37 Subchapter IV of Chapter 7 of Title 42 of the United States Code.

38 (2) A document requested by a person who wrote, prepared, or
39 furnished the document may be examined by or disclosed to that
40 person or his or her designee.

1 (3) The payment history of an obligor pursuant to a support
2 order may be examined by or released to the court, the obligor, or
3 the person on whose behalf enforcement actions are being taken
4 or that person's designee.

5 (4) Income and expense information of either parent may be
6 released to the other parent for the purpose of establishing or
7 modifying a support order.

8 (5) Public records subject to disclosure under the Public Records
9 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
10 of *Title 1* of the Government Code) may be released.

11 (6) After a noticed motion and a finding by the court, in a case
12 in which establishment or enforcement actions are being taken,
13 that release or disclosure to the obligor or obligee is required by
14 due process of law, the court may order a public entity that
15 possesses an application, paper, document, or record as described
16 in subdivision (b) to make that item available to the obligor or
17 obligee for examination or copying, or to disclose to the obligor
18 or obligee the contents of that item. Article 9 (commencing with
19 Section 1040) of Chapter 4 of Division 3 8 of the Evidence Code
20 shall not be applicable to proceedings under this part. At any
21 hearing of a motion filed pursuant to this section, the court shall
22 inquire of the local child support agency and the parties appearing
23 at the hearing if there is reason to believe that release of the
24 requested information may result in physical or emotional harm
25 to a party. If the court determines that harm may occur, the court
26 shall issue any protective orders or injunctive orders restricting
27 the use and disclosure of the information as are necessary to protect
28 the individuals.

29 (7) To the extent not prohibited by federal law or regulation,
30 information indicating the existence or imminent threat of a crime
31 against a child, or location of a concealed, detained, or abducted
32 child or the location of the concealing, detaining, or abducting
33 person, may be disclosed to any district attorney, any appropriate
34 law enforcement agency, or to any state or county child protective
35 agency, or may be used in any judicial proceedings to prosecute
36 that crime or to protect the child.

37 (8) The social security number, most recent address, and the
38 place of employment of the absent parent may be released to an
39 authorized person as defined in Section 653(c) of Title 42 of the
40 United States Code, only if the authorized person has filed a request

1 for the information, and only if the information has been provided
2 to the California Parent Locator Service by the federal Parent
3 Locator Service pursuant to Section 653 of Title 42 of the United
4 States Code.

5 (9) A parent's or relative's name, social security number, most
6 recent address, telephone number, place of employment, or other
7 contact information may be released to a county child welfare
8 agency or county probation department pursuant to subdivision
9 (c) of Section 17506.

10 (d) (1) "Administration and implementation of the child and
11 spousal support enforcement program," as used in this division,
12 means the carrying out of the state and local plans for establishing,
13 modifying, and enforcing child support obligations, enforcing
14 spousal support orders, and determining paternity pursuant to Part
15 D (commencing with Section 651) of Subchapter IV of Chapter 7
16 of Title 42 of the United States Code and this article.

17 (2) For purposes of this division, "obligor" means any person
18 owing a duty of support.

19 (3) As used in this division, "putative parent" shall refer to any
20 person reasonably believed to be the parent of a child for whom
21 the local child support agency is attempting to establish paternity
22 or establish, modify, or enforce support pursuant to Section 17400.

23 (e) Any person who willfully, knowingly, and intentionally
24 violates this section is guilty of a misdemeanor.

25 (f) Nothing in this section shall be construed to compel the
26 disclosure of information relating to a deserting parent who is a
27 recipient of aid under a public assistance program for which federal
28 aid is paid to this state, if that information is required to be kept
29 confidential by the federal law or regulations relating to the
30 program.

31 SEC. 8. Section 17406 of the Family Code is amended to read:

32 17406. (a) In all actions involving paternity or support,
33 including, but not limited to, other proceedings under this code,
34 and under Division 9 (commencing with Section 10000) of the
35 Welfare and Institutions Code, the local child support agency and
36 the Attorney General represent the public interest in establishing,
37 modifying, and enforcing support obligations. No attorney-client
38 relationship shall be deemed to have been created between the
39 local child support agency or Attorney General and any person by

1 virtue of the action of the local child support agency or the Attorney
2 General in carrying out these statutory duties.

3 (b) Subdivision (a) is declaratory of existing law.

4 (c) In all requests for services of the local child support agency
5 or Attorney General pursuant to Section 17400 relating to actions
6 involving paternity or support, not later than the same day an
7 individual makes a request for these services in person, and not
8 later than five working days after either (1) a case is referred for
9 services from the county welfare department, (2) receipt of a
10 request by mail for an application for services, or (3) an individual
11 makes a request for services by telephone, the local child support
12 agency or Attorney General shall give notice to the individual
13 requesting services or on whose behalf services have been
14 requested that the local child support agency or Attorney General
15 does not represent the individual or the children who are the subject
16 of the case, that no attorney-client relationship exists between the
17 local child support agency or Attorney General and those persons,
18 and that no such representation or relationship shall arise if the
19 local child support agency or Attorney General provides the
20 services requested. Notice shall be in bold print and in plain English
21 and shall be translated into the language understandable by the
22 recipient when reasonable. The notice shall include the advice that
23 the absence of an attorney-client relationship means that
24 communications from the recipient are not privileged and that the
25 local child support agency or Attorney General may provide
26 support enforcement services to the other parent in the future.

27 (d) The local child support agency or Attorney General shall
28 give the notice required pursuant to subdivision (c) to all recipients
29 of services under Section 17400 who have not otherwise been
30 provided that notice, not later than the date of the next annual
31 notice required under Section 11476.2 of the Welfare and
32 Institutions Code. This notice shall include notification to the
33 recipient of services under Section 17400 that the recipient may
34 inspect the clerk's file at the office of the clerk of the court, and
35 that, upon request, the local child support agency, or, if appropriate,
36 the Attorney General, will furnish a copy of the most recent order
37 entered in the case.

38 (e) The local child support agency or, if appropriate, the
39 Attorney General shall serve a copy of the complaint for paternity
40 or support, or both, on recipients of support services under Section

1 17400, as specified in paragraph (2) of subdivision (e) of Section
2 17404. A notice shall accompany the complaint that informs the
3 recipient that the local child support agency or Attorney General
4 may enter into a stipulated order resolving the complaint, and that
5 the recipient shall assist the prosecuting attorney, by sending all
6 information on the noncustodial parent's earnings and assets to
7 the prosecuting attorney.

8 (f) (1) (A) The local child support agency or Attorney General
9 shall provide written notice to recipients of services under Section
10 17400 of the initial date and time, and purpose of every hearing
11 in a civil action for paternity or support.

12 (B) Once the parent who has requested or is receiving support
13 enforcement services becomes a party to the action pursuant to
14 subdivision (e) of Section 17404, in lieu of the above, the local
15 child support agency or Attorney General shall serve on a parent
16 all pleadings relating to paternity or support that have been served
17 on the local child support agency by the other parent. The pleading
18 shall be accompanied by a notice.

19 (C) The notice provided subject to subparagraphs (A) and (B)
20 shall include the following language:

21
22 **IMPORTANT NOTICE**
23

24 It may be important that you attend the hearing. The local child
25 support agency does not represent you or your children. You
26 may have information about the other parent, such as
27 information about his or her income or assets that will not be
28 presented to the court unless you attend the hearing. You have
29 the right to attend the hearing and to be heard in court and tell
30 the court what you think the court should do with the child
31 support order. This hearing could change your rights or your
32 children's rights to support.

33 (2) The notice shall state the purpose of the hearing or be
34 attached to the motion or other pleading which caused the hearing
35 to be scheduled.

36 (3) The notice shall be provided separate from all other material
37 and shall be in at least 14-point type. The failure of the local child
38 support agency or Attorney General to provide the notice required
39 pursuant to subparagraph (A) of paragraph (1) does not affect the
40 validity of any order.

1 (4) (A) The notice required pursuant to subparagraph (A) of
2 paragraph (1) shall be provided not later than seven calendar days
3 prior to the hearing, or, if the local child support agency or Attorney
4 General receives notice of the hearing less than seven days prior
5 to the hearing, within two days of the receipt by the local child
6 support agency or Attorney General of the notice of the hearing.

7 (B) Service of the notice and the pleadings required pursuant
8 to subparagraph (B) of paragraph (1) shall be completed not later
9 than five days after receipt of the pleadings served on the local
10 child support agency by the parent.

11 (5) The local child support agency or Attorney General shall,
12 in order to implement this subdivision, make reasonable efforts to
13 ensure that the local child support agency or Attorney General has
14 current addresses for all parties to the child support action.

15 (g) The local child support agency or Attorney General shall
16 give notice to recipients of services under Section 17400 of every
17 order obtained by the local child support agency or Attorney
18 General that establishes or modifies the support obligation for the
19 recipient or the children who are the subject of the order, by
20 sending a copy of the order to the recipient. The notice shall be
21 made within the time specified by federal law after the order has
22 been filed. The local child support agency or Attorney General
23 shall also give notice to these recipients of every order obtained
24 in any other jurisdiction that establishes or modifies the support
25 obligation for the recipient or the children who are the subject of
26 the order, and which is received by the local child support agency
27 or Attorney General, by sending a copy of the order to the recipient
28 within the timeframe specified by federal law after the local child
29 support agency or Attorney General has received a copy of the
30 order. In any action enforced under ~~Chapter 6 (commencing with~~
31 ~~Section 4900) of Part 5~~ *Part 6 (commencing with Section 5700.101)*
32 of Division 9, the notice shall be made in compliance with the
33 requirements of that chapter. The failure of the local child support
34 agency or Attorney General to comply with this subdivision does
35 not affect the validity of any order.

36 (h) The local child support agency or Attorney General shall
37 give notice to the noncustodial parent against whom a civil action
38 is filed that the local child support agency or Attorney General is
39 not the attorney representing any individual, including, but not

1 limited to, the custodial parent, the child, or the noncustodial
2 parent.

3 (i) Nothing in this section shall be construed to preclude any
4 person who is receiving services under Section 17400 from filing
5 and prosecuting an independent action to establish, modify, and
6 enforce an order for current support on behalf of himself or herself
7 or a child if that person is not receiving public assistance.

8 (j) A person who is receiving services under Section 17400 but
9 who is not currently receiving public assistance on his or her own
10 behalf or on behalf of a child shall be asked to execute, or consent
11 to, any stipulation establishing or modifying a support order in
12 any action in which that person is named as a party, before the
13 stipulation is filed. The local child support agency or Attorney
14 General may not submit to the court for approval a stipulation to
15 establish or modify a support order in the action without first
16 obtaining the signatures of all parties to the action, their attorneys
17 of record, or persons authorized to act on their behalf. Any
18 stipulation approved by the court in violation of this subdivision
19 shall be void.

20 (k) The local child support agency or Attorney General may not
21 enter into a stipulation that reduces the amount of past due support,
22 including interest and penalties accrued pursuant to an order of
23 current support, on behalf of a person who is receiving support
24 enforcement services under Section 17400 and who is owed support
25 arrearages that exceed unreimbursed public assistance paid to the
26 recipient of the support enforcement services, without first
27 obtaining the consent of the person who is receiving services under
28 Section 17400 on his or her own behalf or on behalf of the child.

29 (l) The notices required in this section shall be provided in the
30 following manner:

31 (1) In all cases in which the person receiving services under
32 Section 17400 resides in California, notice shall be provided by
33 mailing the item by first-class mail to the last known address of,
34 or personally delivering the item to, that person.

35 (2) In all actions enforced under ~~Chapter 6 (commencing with~~
36 ~~Section 4900) of Part 5~~ *Part 6 (commencing with Section 5700.101)*
37 of Division 9, unless otherwise specified, notice shall be provided
38 by mailing the item by first-class mail to the initiating court.

1 (m) Notwithstanding any other provision of this section, the
2 notices provided for pursuant to subdivisions (c) to (g), inclusive,
3 are not required in foster care cases.

4 SEC. 9. Section 17505 of the Family Code is amended to read:

5 17505. (a) All state, county, and local agencies shall cooperate
6 with the local child support agency (1) in the enforcement of any
7 child support obligation or to the extent required under the state
8 plan under ~~Chapter 6 (commencing with Section 4900) of Part 5~~
9 *Part 6 (commencing with Section 5700.101)* of Division 9, Section
10 270 of the Penal Code, and Section 17604, and (2) the enforcement
11 of spousal support orders and in the location of parents or putative
12 parents. The local child support agency may enter into an
13 agreement with and shall secure from a municipal, county, or state
14 law enforcement agency, pursuant to that agreement, state summary
15 criminal record information through the California Law
16 Enforcement Telecommunications System. This subdivision applies
17 irrespective of whether the children are or are not receiving aid to
18 families with dependent children. All state, county, and local
19 agencies shall cooperate with the district attorney in implementing
20 Chapter 8 (commencing with Section 3130) of Part 2 of Division
21 8 concerning the location, seizure, and recovery of abducted,
22 concealed, or detained minor children.

23 (b) On request, all state, county, and local agencies shall supply
24 the local child support agency of any county in this state or the
25 California Parent Locator Service with all information on hand
26 relative to the location, income, or property of any parents, putative
27 parents, spouses, or former spouses, notwithstanding any other
28 provision of law making the information confidential, and with all
29 information on hand relative to the location and prosecution of
30 any person who has, by means of false statement or representation
31 or by impersonation or other fraudulent device, obtained aid for a
32 child under this chapter.

33 (c) The California Child Support Automation System, or its
34 replacement, shall be entitled to the same cooperation and
35 information provided to the California Parent Locator Service, to
36 the extent allowed by law. The California Child Support
37 Automation System, or its replacement, shall be allowed access
38 to criminal offender record information only to the extent that
39 access is allowed by law.

(d) Information exchanged between the California Parent Locator Service or the California Child Support Automation System, or its replacement, and state, county, or local agencies as specified in Sections 653(c)(4) and 666(c)(1)(D) of Title 42 of the United State Code shall be through automated processes to the maximum extent feasible.

SEC. 10. Section 11478.1 of the Welfare and Institutions Code is amended to read:

11478.1. (a) It is the intent of the Legislature to protect individual rights of privacy, and to facilitate and enhance the effectiveness of the child and spousal support enforcement program, by ensuring the confidentiality of support enforcement and child abduction records, and to thereby encourage the full and frank disclosure of information relevant to all of the following:

(1) The establishment or maintenance of parent and child relationships and support obligations.

(2) The enforcement of the child support liability of absent parents.

(3) The enforcement of spousal support liability of the spouse or former spouse to the extent required by the state plan under Section 11475.2 of this code and ~~Chapter 6 (commencing with Section 4900) of Part 5~~ *Part 6 (commencing with Section 5700.101)* of Division 9 of the Family Code.

(4) The location of absent parents.

(5) The location of parents and children abducted, concealed, or detained by them.

(b) (1) Except as provided in subdivision (c), all files, applications, papers, documents, and records established or maintained by any public entity pursuant to the administration and implementation of the child and spousal support enforcement program established pursuant to Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code and this article, shall be confidential, and shall not be open to examination or released for disclosure for any purpose not directly connected with the administration of the child and spousal support enforcement program. No public entity shall disclose any file, application, paper, document, or record, or the information contained therein, except as expressly authorized by this section.

(2) In no case shall information be released or the whereabouts of one party or the child disclosed to another party, or to the

1 attorney of any other party, if a protective order has been issued
2 by a court or administrative agency with respect to the former
3 party, a good cause claim under Section 11477.04 has been
4 approved or is pending, or the public agency responsible for
5 establishing paternity or enforcing support has reason to believe
6 that the release of the information may result in physical or
7 emotional harm to the former party or the child.

8 (3) Notwithstanding any other provision of law, a proof of
9 service filed by the district attorney shall not disclose the address
10 where service of process was accomplished. Instead, the district
11 attorney shall keep the address in his or her own records. The proof
12 of service shall specify that the address is on record at the district
13 attorney's office and that the address may be released only upon
14 an order from the court pursuant to paragraph (6) of subdivision
15 (c). The district attorney shall, upon request by a party served,
16 release to that person the address where service was effected.

17 (c) Disclosure of the information described in subdivision (b)
18 is authorized as follows:

19 (1) All files, applications, papers, documents, and records as
20 described in subdivision (b) shall be available and may be used
21 by a public entity for all administrative, civil, or criminal
22 investigations, actions, proceedings, or prosecutions conducted in
23 connection with the administration of the child and spousal support
24 enforcement program approved under Part D (commencing with
25 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the
26 United States Code, and any other plan or program described in
27 Section 303.21 of Title 45 of the Code of Federal Regulations and
28 to the county welfare department responsible for administering a
29 program operated under a state plan pursuant to Subpart 1 or 2 of
30 Part B or Part E of Subchapter IV of Chapter 7 of Title 42 of the
31 United States Code.

32 (2) A document requested by a person who wrote, prepared, or
33 furnished the document may be examined by or disclosed to that
34 person or his or her designee.

35 (3) The payment history of an obligor pursuant to a support
36 order may be examined by or released to the court, the obligor, or
37 the person on whose behalf enforcement actions are being taken
38 or that person's designee.

1 (4) Income and expense information of either parent may be
2 released to the other parent for the purpose of establishing or
3 modifying a support order.

4 (5) Public records subject to disclosure under the Public Records
5 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
6 of *Title 1 of the Government Code*) may be released.

7 (6) After a noticed motion and a finding by the court, in a case
8 in which establishment or enforcement actions are being taken,
9 that release or disclosure to the obligor or obligee is required by
10 due process of law, the court may order a public entity that
11 possesses an application, paper, document, or record as described
12 in subdivision (b) to make that item available to the obligor or
13 obligee for examination or copying, or to disclose to the obligor
14 or obligee the contents of that item. Article 9 (commencing with
15 Section 1040) of Chapter 4 of Division 3 8 of the Evidence Code
16 shall not be applicable to proceedings under this part. At any
17 hearing of a motion filed pursuant to this section, the court shall
18 inquire of the district attorney and the parties appearing at the
19 hearing if there is reason to believe that release of the requested
20 information may result in physical or emotional harm to a party.
21 If the court determines that harm may occur, the court shall issue
22 any protective orders or injunctive orders restricting the use and
23 disclosure of the information as are necessary to protect the
24 individuals.

25 (7) To the extent not prohibited by federal law or regulation,
26 information indicating the existence or imminent threat of a crime
27 against a child; location of a concealed, detained, or abducted
28 child; or the location of the concealing, detaining, or abducting
29 person, may be disclosed to any district attorney, any appropriate
30 law enforcement agency, or to any state or county child protective
31 agency, or may be used in any judicial proceedings to prosecute
32 that crime or to protect the child.

33 (8) (A) The social security number, most recent address, and
34 the place of employment of the absent parent may be released to
35 an authorized person as defined in Section 653(c) of Title 42 of
36 the United States Code, only if the authorized person has filed a
37 request for the information, and only if the information has been
38 provided to the California Parent Locator Service by the federal
39 Parent Locator Service pursuant to Section 653 of Title 42 of the
40 United States Code.

(B) The information described in subparagraph (A) may be disclosed to the county child welfare agency and the county probation department responsible for administering a program operated under a state plan pursuant to Subpart 1 (commencing with Section 621) or 2 (commencing with Section 629) of Part B of, or pursuant to Part E (commencing with Section 670) of, Subchapter IV of Chapter 7 of Title 42 of the United States Code. Information exchanged between the California Parent Locator Service or the California Child Support Automation System, or its replacement, and the county welfare agency shall be through automated processes to the maximum extent feasible.

(C) On or before July 1, 2013, the State Department of Social Services and the Department of Child Support Services shall issue an all-county letter or similar instruction explaining that county child welfare and probation agencies are entitled to the information described in paragraph (9) of subdivision (c) of Section 17212 and subdivision (c) of Section 17506 of the Family Code.

(d) (1) “Administration and implementation of the child and spousal support enforcement program,” as used in this section, means the carrying out of the state and local plans for establishing, modifying, and enforcing child support obligations, enforcing spousal support orders, and determining paternity pursuant to Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code and this article.

(2) For purposes of this section, “obligor” means any person owing a duty of support.

(3) As used in this chapter, “putative parent” shall refer to any person reasonably believed to be the parent of a child for whom the ~~district attorney~~ *local child support agency* is attempting to establish paternity or establish, modify, or enforce support pursuant to Section ~~11475.1~~ *17400 of the Family Code*.

(e) Any person who willfully, knowingly, and intentionally violates this section is guilty of a misdemeanor.

(f) Nothing in this section shall be construed to compel the disclosure of information relating to a deserting parent who is a recipient of aid under a public assistance program for which federal aid is paid to this state, if that information is required to be kept confidential by the federal law or regulations relating to the program.

SEC. 11. Chapter 349 of the Statutes of 2002 is repealed.

1 SEC. 12. If the Commission on State Mandates determines
2 that this act contains costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O